

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-N05-2014-0069-CX

CASEFILE/PROJECT NUMBER: 0501432

PROJECT NAME: Temporary Water Tank Placement

LEGAL DESCRIPTION: T1S R97W Sec 8 and 19
NAD 83, Zone 13
UTM: 217742, 4430390;
215336, 4427646

APPLICANT: Dean Mantle, Mantle Ranch

DESCRIPTION OF PROPOSED ACTION:

Background/Introduction: Mantle Ranch is authorized to graze livestock in the Square S Allotment #06027. Square S allotment is located adjacent to Rio Blanco County (RBC) 5 in the Piceance Creek Basin approximately 35 miles west and south of Meeker, Colorado. Livestock rotate through the allotment starting in lower elevation pastures along Piceance Creek and moving to higher elevation pastures as the grazing season progresses. A critical part of allotment management is optimizing livestock distribution to better utilize forage resources and reduce grazing pressure in key forage areas.

Proposed Action: To improve livestock distribution Dean Mantle has requested to place a temporary water tank at two locations in the Horse Draw pasture of the Square S allotment. This pasture is part of the spring/early summer rotation for cattle grazing in the Square S allotment. At the start of the use period for this pasture an eight foot metal water tank/trough would be placed at the very north end of this pasture. This site is a level area between a Rolling Loam range site and a Pinyon/Juniper with a mix of pinyon/juniper and sagebrush woody vegetation with an herbaceous understory. Then two to three weeks later the tank would be moved approximately two miles to the southwest. This site is a level area at the edge of a rolling loam sagebrush dominated park adjacent to an electrical substation. At each site the tank will be placed adjacent to the road in previously disturbed areas. Each location will be used for less than 30 days. A wildlife escape ramp will be installed and kept in the tank throughout the use period. At the end of the use period Mantles will remove the tank from public land. Water at these locations will allow livestock to make better use of a large area that is otherwise more than two miles from water. Allowing placement of this tank will improve livestock management in this part of the Square S allotment. This Proposed Action is for the 2015 grazing season.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-22, Page 2-23

Decision Language: *"Maintain or enhance a healthy rangeland vegetative composition and species diversity, capable of supplying forage at a sustained yield to meet the demand for livestock grazing" " ...identify range improvements to enhance rangeland productivity and management."*

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, D-2: "Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed".

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X

Extraordinary Circumstance	YES	NO
j) Have a disproportionately high and adverse effect on low income or minority populations.		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 05/06/2014. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	5/21/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	05/20/2014
Justina Thorsen	Biological Technician - Plants	Special Status Plant Species	05/27/2014

REMARKS:

Cultural Resources: Tank location 217742, 4430390 is within an area that has been inventoried at the Class III (100 percent pedestrian) level (Pfertsch et. al. 2009 compliance dated 5/3/2010) with no cultural resources identified at this location. There should be no impacts to any known cultural resources within 1000 feet (305 meters) of the tank.

Tank location 215336, 4427646 has been inventoried at the Class III (100 percent pedestrian) level by two inventories (Tyberg 2009 compliance dated 10/7/2009, Wolfe 1999 compliance dated 12/28/1999,) with no cultural resources identified on the surface. It is unlikely that there will be any impacts to any known cultural resources in the 1000 foot (305 meter) vicinity of the tank

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Northern Ute Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Paleontological Resources: The proposed tank locations are in an area generally mapped as the Uintah Formation (Tweto 1979) that the BLM has categorized as a Potential Fossil Yield Classification (PFYC) 5 formation. A PFYC 5 formation is one that is known to produce scientifically noteworthy fossil resources (c Armstrong and Wolny 1989). While there is minimal rock at either site, if there should be any exposed rock outcrop at the proposed tank locations there is a potential for damage to fossils from trampling. Any loss of fossils as a result of livestock trampling would represent a permanent, long term, irreversible, irretrievable loss of data from the regional paleontological database.

Special Status Wildlife Species: There are no special status animal species that are known to inhabit or derive important use from the project area. The Proposed Action would likely result in more concentrated livestock use and subsequently a reduction in herbaceous ground cover (as a forage and cover resource for local wildlife) in the vicinity of the tanks (typically within 0.25 mile). However, because both locations are in areas with existing disturbance, the Proposed Action would not be expected to have any substantial effect on local big game or nongame species inhabiting the area.

Special Status Plant Species:

The project area was surveyed by the BLM in 2014. Surveys were completed during the blooming season and no special status plants species were found within the project area. There are no special status plant concerns associated with the Proposed Action.

REFERENCES CITED

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Pfertsch, Jack E., Jennifer > Mueller, Johnathan C. Horn, and Trevor R. Lindland

2009 Class III Cultural Resource Inventory of the proposed Pathfinder/Bison Pipeline Project Rio Blanco and Moffat Counties, Colorado: 2008 Field Season. Alpine Archaeological Consultants Inc., Montrose, Colorado. (10-83-04)

Tyberg, Joel J.

2009 A Class III Cultural Resource Inventory for the Expansion of the Meeker Gas Plant and Proposed WREA 138-kv Powerline Right-of-Way, Rio Blanco County, Colorado. Cultural Resource Analysts Inc., Longmont, Colorado. (09-162-01: OAHP #RB.LM.R1374)

Wolfe, Michael S.

1999 Cultural Resource Inventory of Coastal Oil and Gas Corporation's Duck Creek Well locations #1, #2, #3, and #4 Rio Blanco County, Colorado. Montgomery Archaeological Consultants, Moab, Utah. (99-131-31: OAHP # RB.LM.R400)

Tweto, Ogden

1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

Standard cultural and paleontological resources mitigation includes the following:

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and provide written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with allotment operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the permittee/applicant must immediately contact the appropriate BLM representative.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after placement of tank. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues by phone and in writing, and depending on the nature of the issue(s), will be provided 5 days to resolve such issues.

NAME OF PREPARER: Mary Taylor

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, D-2. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

07/31/2014

ATTACHMENTS: Aerial Map of Tank Placement Locations

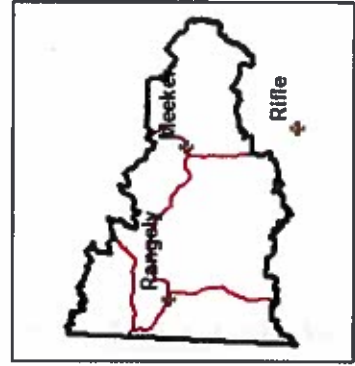


Mantle Temporary Range Improvement Permit Request



Although the GIS presentation in this map, in the red box, was created by the BLM, it is not a guarantee of accuracy. The BLM is not responsible for any errors or omissions in the data or the map. The BLM is not responsible for any errors or omissions in the data or the map.

December 2013



**U.S. Department of the Interior
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220 E Market St
Meeker, CO 81641**

DECISION RECORD

PROJECT NAME: Temporary Water Tank Placement

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-N05-2014-0069-CX

DECISION:

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0069-CX, authorizing the placement of a temporary water tank to facilitate livestock management in the Square S allotment. At the start of the use period for the Horse Draw pasture an eight foot metal water tank/trough would be placed at the very north end of this pasture. Then two to three weeks later the tank would be moved approximately two miles to the southwest near the south end of this pasture. At each site the tank will be placed adjacent to the road in previously disturbed areas. Each location will be used for less than 30 days. A wildlife escape ramp will be installed and kept in the tank throughout the use period. At the end of the use period the livestock operator will remove the tank from public land. This Proposed Action is for the 2015 grazing season.

Mitigation Measures

Standard cultural and paleontological resources mitigation includes the following:

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
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written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

4. The applicant is responsible for informing all persons who are associated with allotment operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the permittee/applicant must immediately contact the appropriate BLM representative.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on May 6, 2014. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office.

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on May 28, 2014 and a copy of the completed Categorical Exclusion will be posted on the WRFO website.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, D-2. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Kent Walter, Field Manager White River Field Office, 220 E. Market Street, Meeker, CO 81641 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal (*in writing*) in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on the Office of the Solicitor, Rocky Mountain Region, Denver Field Office, U.S. Department of the Interior, 755 Parfet Street, Room 151, Lakewood, CO 80215.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.471.

Any person named in the decision who receives a copy of a petition for a stay and/or an appeal, see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

SIGNATURE OF AUTHORIZED OFFICIAL:

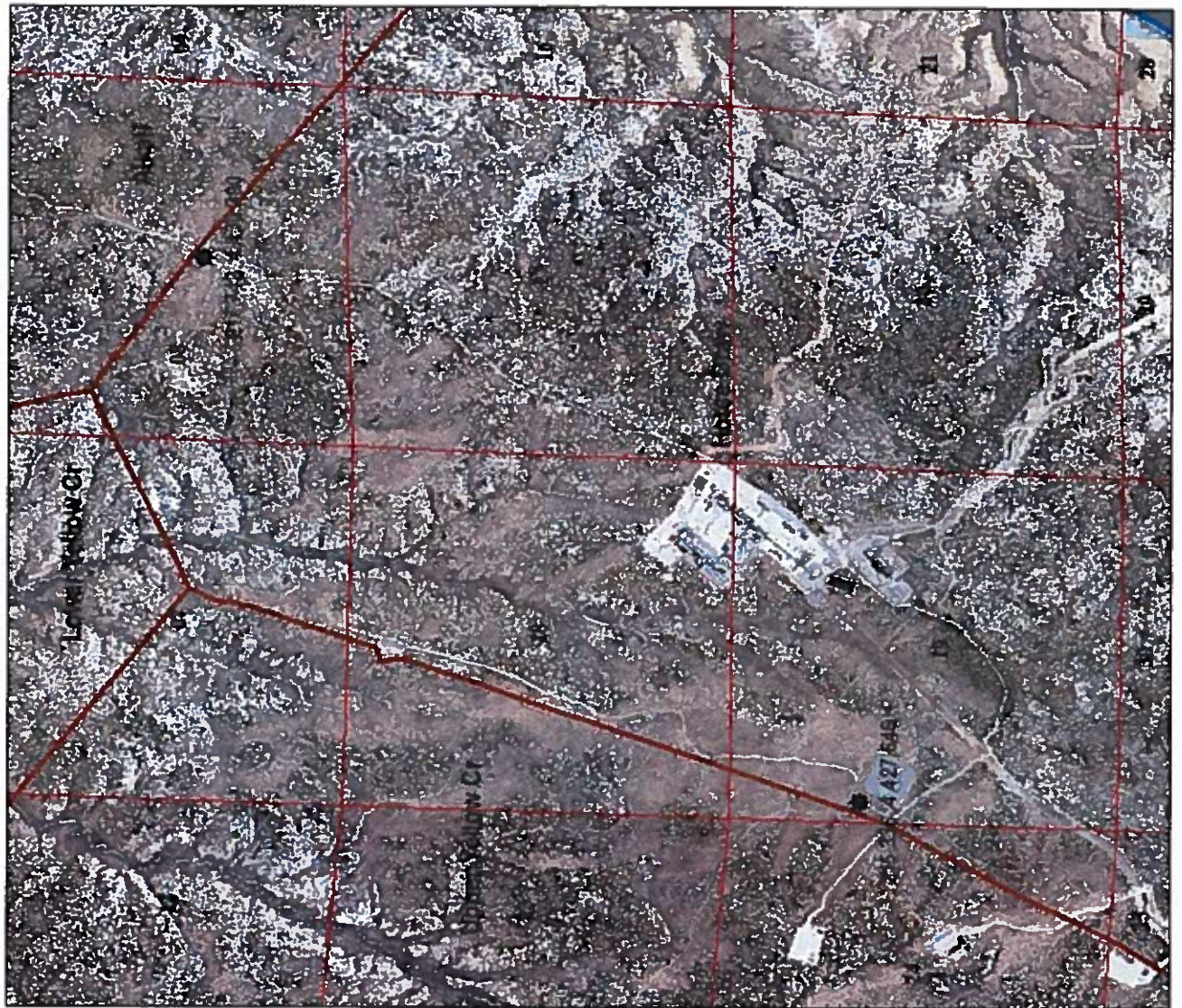


Field Manager

DATE SIGNED:

07/31/2014

Attachment: Aerial Map of Tank Placement Locations



Mantle Temporary Range Improvement Permit Request



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December 2013

